

APPENDIX D

Form Approved: February 22, 1999
OMB Control Number: 2050-0144

CBI SUBSTANTIATION FORM

If you are claiming Confidential Business Information (CBI) in your Risk Management plan (RMP), you must substantiate your claim at the same time that you submit your RMP. To qualify for CBI protection, the substantive criteria in 40 CFR 2.301 must be met. Certain RMP data elements cannot be claimed CBI, as stated in 40 CFR 68.151.

Fill out this form for each data element or set of data elements that have a discrete substantiation. You may use one CBI Substantiation Form to report multiple data elements as CBI if the basis for substantiation is the same. That means the answers to the questions in Part IV must be the same for all the data elements. If you need more space in Part III, please attach a separate piece of paper.

Burden Statement

The public reporting and recordkeeping burden for this collection of information is estimated to average 8.5 hours per claim. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M St., S.W., Washington D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed CBI substantiation to this address.

Part I -- Facility Identification Information

The information given here must correspond to the information that you provided in the registration section of your RMP. If you have an EPA Facility ID #, please include this information. If you are resubmitting, updating or correcting your RMP, you should already have received an EPA Facility ID#.

a. Facility Name:

b. EPA Facility ID # (if assigned):

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c. Facility Location Address:	
d. City, State and Zip Code:	
e. Dun and Bradstreet Number:	
<p>Part II – Is this substantiation a sanitized or an unsanitized version? If this substantiation contains any CBI, you must also submit a sanitized substantiation (without CBI data) as stated in 40 CFR 68.152. In this case, submit 2 copies of this form, one sanitized and one unsanitized. Please indicate here whether this form is sanitized or unsanitized.</p> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input type="checkbox"/> Sanitized <input type="checkbox"/> Unsanitized </div>	
<p>Part III – List the RMP Data Elements which you are claiming CBI that are covered in this substantiation form. List the data element number and its descriptive name, but NOT the actual CBI data. Please note that you may use one substantiation form for more than one data element only if the answers to all of the questions in Part IV are the same for those data elements.</p>	
Data Element #	Data Element Name

Part IV – The following are criteria set forth in 40 CFR §§ 2.204, 2.208 and 2.301 for substantiating CBI claims. Provide answers to each of the following questions to substantiate your claim. If you need additional space, use separate sheets of paper.

(a) For any data elements that you wish to claim CBI that are listed in Part III, please indicate whether your business has previously submitted a CBI claim for this data element to EPA and whether that claim has expired, been waived, or been withdrawn.

(b) What reasonable measures have you taken to protect the confidentiality of the information and do you intend to continue to take these measures?

(c) Have you disclosed the information to anyone other than a governmental body? If so, why should the information still be considered confidential? If not, is the information reasonably obtainable without your consent? Has EPA or another Federal agency made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

(d) Does any statute require public disclosure of the information for which you are claiming CBI? If so, identify the law.

(e) (1) For each data element claimed as CBI in Part III, discuss with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. For example, how could your competitors make use of this information to your detriment?

(2) Do you assert that the information is “voluntarily submitted” as defined at 40 CFR 2.201(i)? If so, explain why, and how disclosure would tend to lessen the Government’s ability to obtain necessary information in the future.

Part V - Certification (Read and sign after completing all sections)

To the best of the undersigned's knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.

Name and official title of owner or operator or senior management official

Signature (All signatures must be original)

Print Name

Official Title

Date Signed